



ROPES & GRAY LLP
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704
WWW.ROPESGRAY.COM

March 29, 2023

Leon Kotlyar
T +1 212 596 9217
leon.kotlyar@ropesgray.com

BY ECF

Hon. Sarah L. Cave
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

By **Thursday, April 13, 2023**, the parties shall file a joint letter, not exceeding three pages, reporting on the status of document discovery and by the same date, the Transferee Defendants shall have served their privilege log(s).

SO ORDERED 03/30/23



SARAH L. CAVE
United States Magistrate Judge

Re: *Dorce, et al. v. City of New York, et al.*, No. 1:19-cv-02216 (JLR) (SLC)

Dear Judge Cave:

Plaintiffs, Municipal Defendants,¹ and Transferee Defendants² write pursuant to this Court's March 22, 2023 Order (ECF No. 246) to report on the status of document discovery. The parties respectfully suggest that they submit a joint letter in two weeks' time on the status of document discovery.

Plaintiffs separately request that the Court set April 7, 2023 as the deadline for Transferee Defendants to provide their privilege log.

Municipal Defendants' Productions

Municipal Defendants' Statement:

On February 28, the parties held a meet-and-confer during which they discussed Plaintiffs' request for documents "concerning" a TPT Working Group. MDs agreed that, subject to their continuing objection to searching for and producing additional documents concerning the TPT working group, they would run search terms if Plaintiffs proposed them. On March 3, Plaintiff sent proposed search terms. On March 7, MDs provided hit reports for Plaintiffs' proposed search terms and explained that the search terms were overbroad and that they continued to object to the request

¹ "Municipal Defendants" refers to defendants the City of New York (the "City"), Louise Carroll, former Commissioner of the City's Department of Housing Preservation and Development ("HPD"), and Sherif Soliman, former Commissioner of the City's Department of Finance ("DOF").

² "Transferee Defendants" are BSDC Kings Covenant Housing Development Fund Company, Inc. ("BSDC") and Neighborhood Restore Housing Development Fund Corp. ("Neighborhood Restore").

ROPES & GRAY LLP

Hon. Sarah L. Cave

- 2 -

March 29, 2023

but that, if Plaintiffs proposed narrower terms, they would consider whether a proportional review and production could be made employing such terms.

On March 15, Plaintiffs proposed revised search terms. On March 23, MDs provided Plaintiffs with a hit report for the revised terms and explained that the search terms continued to return a disproportionately large number of documents for a request of this nature. MDs advised that they are working to see if they can develop a counter-proposal that would result in a more proportional review.

Plaintiffs' Statement:

Plaintiffs await Municipal Defendants' counter-proposal regarding the above.

Transferee Defendants' Productions

Transferee Defendants' Statement:

Non-Municipal Defendants are finalizing the review of disclosure of the privilege log requested by Plaintiffs. This is due to be completed in the first week of April.

Plaintiffs' Statement:

In response to the above, Plaintiffs emailed Transferee Defendants to clarify whether they will provide their privilege log by April 7, 2023 and whether they will be producing any documents that they inadvertently withheld as privileged at that time. As of this filing, Transferee Defendants have not responded to these questions. Nor have they responded to Plaintiffs' question via email on March 9, 22, and 28 for the number of documents that Transferee Defendants are reviewing for privilege.

In light of Transferee Defendants' contemplated timetable, Plaintiffs respectfully request that the Court so order April 7, 2023 as the deadline for Transferee Defendants to provide their privilege log.

ROPES & GRAY LLP

Hon. Sarah L. Cave

March 29, 2023

Respectfully submitted,

PLAINTIFFS

ROPES & GRAY LLP

By: /s/ Leon Kotlyar

Gregg L. Weiner

Alexander B. Simkin

Leon Kotlyar

Phillip G. Kraft

1211 Avenue of the Americas

New York, NY 10036

(212) 596-9000

Daniel A. Yanofsky (admitted *pro hac vice*)

Prudential Tower

800 Boylston Street

Boston, MA 02199-3600

(617) 508-4600

*Attorneys for Plaintiffs McConnell Dorce and
Sherlivia Thomas-Murchison*

WHITE & CASE LLP

By: /s/ Keith H. Wofford

Keith H. Wofford

1221 Avenue of the Americas

New York, NY 10020-1095

(212) 819-7595

*Attorneys for Plaintiffs McConnell Dorce and
Sherlivia Thomas-Murchison*

VALLI KANE & VAGNINI LLP

By: /s/ Matthew L. Berman

Matthew L. Berman

Robert J. Valli, Jr.

Yolande I. Nicholson, Esq. *Co-Counsel*

600 Old Country Road

Garden City, NY 11530

(516) 203-7180

Attorneys for Plaintiffs

DEFENDANTS

**OFFICE OF THE CORPORATION
COUNSEL**

By: /s/ Rachel B. Kane

Andrea B. Feller

Rachel B. Kane

100 Church Street

New York, NY 10007

Attorneys for the Municipal Defendants

GOLDSTEIN HALL PLLC

By: /s/ David Goldstein

David Goldstein

80 Broad Street, Suite 303

New York, NY 10004

(646) 768-4101

*Counsel for Defendants Neighborhood
Restore Housing Development Fund
and BSDC Kings Covenant Housing
Development Fund Co.*

cc: Counsel of Record (via ECF)